Chapter 6 - ALCOHOLIC BEVERAGES [9]

(9) Charter reference— Specific power to regulate sale and transport of intoxicating liquors, § 1.13(16).

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ARTICLE I. - IN GENERAL

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⁽⁹⁾ **Cross reference—** Businesses, ch. 22; public drinking, § 58-35; personnel drug and alcohol use prohibited, § 70-5. (Back)

⁽⁹⁾ State Law reference— Alcoholic Beverage Code, O.C.G.A. tit. 3. (Back)

Sec. 6-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate parking means one parking space for each 100 square feet of customer service area within the premises of an applicant.

Administrator means the city manager or his designee.

Alcoholic beverage means and includes all alcohol, distilled spirits, beer, malt beverages, wine or fortified wine.

Bar means a business open to the public which sells alcoholic beverages for consumption on the premises which is not a restaurant.

Building code means and includes all building, plumbing and electrical codes and any similar technical code of the city.

Business area means any street length between intersections where 50 percent or more is in use for business purposes.

Church means any permanent building which houses the main sanctuary in which persons regularly assemble for religious worship and which is publicly designated as a church, but shall not include a residence also used for religious purposes. The term "church" shall not include the temporary housing of a religious group in an otherwise commercial center.

College means only those state, county, city, church or other colleges that teach the subjects commonly taught in the common colleges of this state and shall not include private colleges where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

Distance means the measurement in horizontal lineal feet as defined in section 6-25.

Distilled spirits means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wines.

Family means any person related to the holder of such license within the first degree of consanguinity or affinity as determined according to civil law.

Good moral character means the propensity of the person to serve the public in the licensed area in a fair, honest and open manner.

- (1) A judgment of guilt is a criminal prosecution or a judgment in a civil action shall not be used in and of itself as proof of a person's lack of good moral character. It may be used as evidence in the determination and when so used the person shall be notified and shall be permitted to rebut the evidence by showing that:
 - a. At the current time he has the ability to, and is likely to, serve the public in a fair, honest and open manner; and
 - b. He is rehabilitated, or that the substance of the former offense is not reasonably related

to the occupation or profession for which he seeks a business license or business permit.

- (2) The following criminal records shall not be used, examined or requested by the city in a determination of good moral character when used as a requirement to obtain a business license or business permit:
 - a. Records of an arrest not followed by a conviction.
 - b. Records of a conviction which has been reversed or vacated, including the arrest records relevant to that conviction.
 - c. Records of an arrest or conviction for a misdemeanor or a felony unrelated to the person's likelihood to serve the public in a fair, honest and open manner.
 - d. Records of an arrest or conviction for a misdemeanor for the conviction of which a person may not be incarcerated in a jail or prison.

Indoor recreation establishment means an indoor facility that contains regulation-size courts or alleys where physical sporting activity takes place and equipment related to the activity is available for rent or sale.

License means the authorization by the city council to engage in the sale or consumption on the premises of alcoholic beverages.

License means a person, real or artificial, holding any class of license issued under the terms of this chapter.

Lounge means a separate room connected with a part of and adjacent to a restaurant with all booths, stools and tables being unobstructed and open to view. All lounges shall be air conditioned and have a seating capacity of at least 40.

Malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops or any other similar product, or any combination of such products in water, containing not more than six percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer and strong beer. The term does not include sake, known as Japanese rice wine.

Park means any public lands owned or controlled by the city or any county of the state, in and upon which play facilities are provided for the recreation and enjoyment of the general public.

Premises means the definite closed or partitioned establishment, whether room, shop or building, wherein alcoholic beverages are sold or consumed. The term "premises" shall also include any privately owned or leased courtyard or patio which is architecturally visibly defined.

Private club means a corporation organized and existing under state laws, having at least 100 members regularly paying monthly, quarterly, semiannual or annual dues, organized and operated exclusively for pleasure, recreation and other nonprofitable purposes; no part of the net earnings of which inures to the benefit of any shareholder or member, and owning, hiring or leasing a building or space therein for the reasonable use of its members with a suitable kitchen, dining room space and equipment; and maintaining and using a sufficient number of servants and employees for cooking, preparing and serving meals for its members and guests; provided that no member, officer, agent or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation, any profits from the sale of alcoholic beverages to the club or its members or guests

beyond the amount of such salary as may be fixed by its members at any annual meeting or by its governing board out of the general revenue of the club.

Private residence means a house or dwelling wherein not less than one nor more than three families customarily reside and shall not include an apartment house having facilities for housing four or more families; or any residence which has been unoccupied for a period of six consecutive months immediately prior to the filing of an application.

Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment and seating capacity of at least 60 people, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. At least two meals per day shall be served at least six days a week, with the exception of holidays, vacations and periods of redecorating, and the serving of such meals shall be the principal business conducted and food sales must be equal to or more than 50 percent of total sales.

Retail means retail sales packaged to go and not for consumption on the premises.

School means any state, county, city, church or other private school that teach the subjects commonly taught in the common schools of this state and shall include the adjacent open land or fenced areas used for school purposes but this shall not include any portion of a private school, where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

Service area means that in the event a lounge, private club or restaurant is located adjacent to an indoor recreational establishment and within the same building or structure, the recreational area is defined as being within the service area of such lounge, private club or restaurant and the consumption of alcoholic beverages within the recreational area is permitted.

Wholesaler means any person, firm or corporation engaged in distribution or selling to retailers for the purpose of resale any alcoholic beverages.

Wine means any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to this definition.

(Code 1989, § 9-1-1; Res. No. 95-01-10, 1-10-1995; Ord. No. 00-04-11, 4-11-2000; Ord. No. 1547, Att. A, 5-9-2011)

Cross reference— Definitions generally, § 1-2.

State law reference— Definitions, O.C.G.A. § 3-1-2; educational entities, O.C.G.A. § 20-2-690.

Sec. 6-2. - Purpose of chapter.

This chapter has been enacted for the purposes, among others, of:

- (1) Promoting the health and general welfare of the community;
- (2) Establishing reasonable and ascertainable standards for the regulation and control of the licensing and sale of alcoholic beverages;
- (3) Protecting and preserving schools and churches;
- (4) Giving effect to existing land use and to preserve certain residential areas, with reasonable consideration being given, among others, to the character of the areas and their peculiar suitability for particular uses, the congestion in the roads and streets, and with a general view of promoting desirable living conditions and sustaining stability of neighborhoods and property values; and
- (5) Protecting against the evils of concentration of the retail outlets for alcoholic beverages in one area or ownership or to prevent undesirable persons from engaging in or having any interest in alcoholic beverages.

(Code 1989, § 9-1-2; Res. No. 95-01-10, 1-10-1995)

Charter reference— Specific powers of city, § 1-13.

Sec. 6-3. - Compliance with chapter required.

- (a) No person shall sell or offer for sale in the city at wholesale or retail any alcoholic beverages without having first complied with the provisions of this chapter.
- (b) Familiarity with chapter.
 - (1) It shall be the duty of each licensee and employee thereof to be familiar with this chapter.
 - (2) It shall be the responsibility of each licensee to provide all new employees at the time of their employment, and all employees annually, with an orientation and training on the alcoholic beverage ordinance; provided that, the failure of the employer to provide such orientation and training or of the employees to participate shall not be a defense for an employee who does not follow the provisions of the alcoholic beverage ordinance; and provided that, a licensee shall keep a record of such orientation and training, which shall be subject to inspection.
 - (3) Licensees shall be responsible for compliance with this chapter by their officers, agents, and employees.

(Code 1989, § 9-1-3; Res. No. 95-01-10, 1-10-1995; Ord. No. 05-06-27, 6-26-2005)

Sec. 6-4. - Penalties; revocation of license.

- (a) Upon conviction in the municipal court of any violation of any provision of this chapter, unless otherwise provided, the punishment shall be as follows:
 - (1) First offense, a minimum fine of \$500.00;
 - (2) Second offense, if within 12 months of the first offense, a minimum fine of \$750.00;
 - (3) Third offense, if within 12 months of the second offense, a minimum fine of \$1,000.00; or
 - (4) Otherwise punishment shall be as set by the municipal judge as allowed by the city Charter.

- (b) In addition to the penalties provided in subsection (a) of this section, a license issued pursuant to this chapter may be suspended, revoked or placed on probation by the city council for the following reasons:
 - (1) Failure to pay excise fees or any other fees or taxes required by the city.
 - (2) Disorderly conduct of the establishment.
 - (3) Acts of disturbance on the establishment.
 - (4) Violence on the establishment.
 - (5) Gambling on the establishment.
 - (6) Conviction of violating this chapter by any court with jurisdiction.
 - (7) Charges of or conviction of a felony by the licensee.
 - (8) Creation or maintenance of a nuisance on the establishment.
 - (9) Any false statement or material misrepresentation given in the application for the license.
 - (10) For any and other just cause.
- (c) If it comes to the attention of the city council or city manager that the licensee has violated any provisions of this chapter, the following procedures shall apply:
 - (1) The city manager or his designee shall issue a notice of objection which shall include the address of the location and the specific allegations as to the violations of any provision of this chapter or any other provision of this Code. The notice of objection shall also include the recommended action to be taken. Further, any license issued under this chapter may be temporarily suspended by the city manager in his notice of objection for any reason outlined in subsection (b) of this section if it is determined that it is in the best interest of the health, safety and welfare of the public. The city manager will then notify the licensee in writing by certified mail or in person that a notice of objection has been filed and of any applicable temporary suspension. The notice to the licensee will include a copy of the notice of objection, and the time, place and date for a hearing before the city council on the matter. The hearing shall be within seven days of the date of the notice to the licensee. Extensions and necessary investigations will be granted and conducted at the discretion of the city council.
 - (2) At the hearing, the city and the licensee shall be afforded an opportunity to present evidence and examine witnesses. After this hearing, the city council shall issue a notice of decision at which time the council will dismiss or affirm the objection and/or temporary suspension, and in case of affirmation, the city council may suspend, revoke or place on probation the license of the licensee.
 - (3) The decision of the city council shall be in writing and shall state the reasons for their decisions and shall be based upon the merits of the case.
 - (4) The decision of the city council shall be final but may be appealed to the appropriate court within 30 days of the date of the written decision.
 - (5) The decision of the city council shall be binding upon the retail party or holder of the license.

- (d) When the license of any establishment has been revoked, no further license shall be issued under this chapter to the same person, firm or corporation at that location for a period of 24 months from the date of revocation.
- (e) Whenever the state shall revoke any permit or license to manufacture or sell at wholesale or retail any alcoholic beverages, the city license to manufacture or deal in those products shall thereupon be automatically revoked without any action by the city council or any municipal officer.
- (f) All owners or officers of establishments licensed under this chapter shall be criminally responsible for any violation of this chapter by an employee thereof; provided the municipal court may only impose a just fine under this subsection.

(Code 1989, § 9-1-26; Res. No. 95-01-10, 1-10-1995)

State law reference— Adoption of ordinances pursuant to house rule powers, O.C.G.A. § 36-35-3; powers of local governing authorities, O.C.G.A. § 3-3-2.

Sec. 6-5. - License required.

- (a) No malt beverages, wines, distilled spirits or any other alcoholic beverage shall be stored, delivered, sold or manufactured in the city except under a license issued pursuant to this chapter and then only for the specific beverage and manner of sale provided in the license.
- (b) The requirements of this chapter shall be in addition to any other requirements for business licenses under this Code and if other provisions of this Code conflict with this chapter then this chapter shall control.

(Code 1989, § 9-1-4; Res. No. 95-01-10, 1-10-1995)

State law reference— Power of city to grant license, O.C.G.A. § 3-3-2; license required, O.C.G.A. § 3-3-3.

Sec. 6-6. - Types of licenses; number of licenses; renewal.

- (a) Licenses which may be issued under this chapter include:
 - (1) Manufacturing:
 - Malt beverages.
 - b. Wine.
 - c. Distilled spirits.
 - (2) Wholesale:
 - Malt beverages.
 - b. Wine.
 - c. Distilled spirits.
 - (3) Retail:
 - a. Malt beverages.

- b. Wine.
- c. Distilled spirits.
- d. Consumption on premises/ancillary tasting room (malt beverages and wine only) (hereinafter referred to as an "ancillary tasting room license").
- (4) Consumption on the premises:
 - Malt beverages.
 - b. Wine.
 - c. Distilled spirits.
- (b) A person doing business at more than one place shall take out and pay for a separate license for each place of business.
- (c) Licenses may be renewed as provided in O.C.G.A. § 3-3-1 et seq.
- (d) No license may be renewed if the licensee could be denied a new license under this chapter, except as provided in section 6-26

(Code 1989, § 9-1-10; Res. No. 95-01-10, 1-10-1995; Ord. No. 2009-0002, 3-9-2009; Ord. No. 1547, Att. A, 5-9-2011)

State law reference— Authority to grant license, O.C.G.A. § 3-3-2; license required, O.C.G.A. § 3-3-3.

Sec. 6-7. - Application procedure.

The provisions of chapter 86, article III, pertaining to occupational license taxes, shall apply in addition to the following:

- (1) All applications for new licenses under this chapter shall be accompanied by a payment in cash or by certified check, for all the minimum fees and occupational taxes provided for in this Code for the classification into which the applicant falls.
- (2) The city application shall include a photostatic or other copy of all the appropriate state applications and other application forms developed by the administrator.
- (3) The application shall also contain a form of oath providing that the information disclosed in the application is true and correct, and providing further that the applicant will abide by, observe and conduct his business according to the rules and regulations prescribed by the city, the acts of the general assembly, known as the Georgia Alcoholic Beverage Code, as now or hereafter amended, and the rules and regulations of the state department of revenue in respect thereto. The oath shall be taken by the applicant and the agent in charge of the establishment if different from or additional to the applicant, and the oath shall be taken by the true owners.
- (4) Any false statement, or material misrepresentation in any application under this chapter, shall be grounds for the revocation of any license granted under this article.

(Code 1989, § 9-1-6; Res. No. 95-01-10, 1-10-1995)

Cross reference— Occupational tax applications in general, chapter 86, article III.

State law reference— Power of city to grant, refuse, suspend or revoke alcoholic beverage license, O.C.G.A. § 3-3-2; false application prohibited, O.C.G.A. § 3-3-27; false swearing prohibited, O.C.G.A. § 16-10-71.

Sec. 6-8. - Plans required.

All applicants for licenses under this chapter shall furnish plans and renderings of the proposed premises. In the case of any licensee selling distilled spirits by the package, not for consumption on the premises, such premises shall be freestanding; that is, not located in a shopping center or attached to any other building or establishment. The exterior of the premises shall be of a finished building material such as brick, stone, steel or wood, but not concrete block. The applicant shall comply with all building, health and similar city codes. Applicants shall obtain and file with their applications a certification of zoning compliance, certifying that the property where the applicant shall operate his business is zoned for the appropriate category as provided in this chapter.

(Code 1989, § 9-1-7; Res. No. 95-02-14, 2-14-1995; Ord. No. 02-05-28, 5-28-2002)

Sec. 6-9. - Notice required.

- (a) All applicants for licenses under this chapter shall give notice that an application has been filed and of the purpose of making such application by publication of an advertisement once a week for two consecutive weeks prior to the date of consideration of the application by the city council. It shall be the responsibility of the applicant to have this notice published in the city's legal organ in the format stipulated by the administrator. The applicant shall bear the cost for this publication.
 - (1) The first advertisement shall not appear more than 30 days prior to the date of such initial consideration.
 - (2) Such publication shall be made in the newspaper in which city legal advertisements are published.
 - (3) The notice shall contain a particular description of the location of the proposed business, and the name of the applicant, and if a partnership, the names of the partners, and if a corporation, the names of the officers. The date, time and place the initial consideration and determination will be made by the administrator and a statement that any objections to the issuance must be in writing and received by the administrator on or before the date and time of the consideration by the city council.

` '	ne applicant snall	cause to be place	ed upon the locati	on or the prop	osea busines	s a sign or	signs
statınç	g the following:						
"	City of Woodstock	lie	cense applied for.	Any objection	n to this applic	cation must	he ir

"City o	ot vvoods	tock _		IIC	cense ap	plied for.	. Any c	bjectic	on to this application	n must i	be ir
writing	and rec	eived	by the	Administr	ator of th	ne City of	f Wood	Istock	License Division, a	t 103 Aı	rnolo
Mill	Road	on	or	before	5:00	p.m.,	on	the		day	0
		/		/		_, 20		"		-	

The sign or signs shall be at least 18 inches by 24 inches in size and shall face toward all public streets, sidewalks or other public property which adjoins the location so as to be clearly legible by persons using such public area. The sign required in this section shall be posted on the property from the date of the first publication of the legal advertisement through the date of the initial consideration by the supervisor. The cost and placement of the sign shall be the responsibility of the applicant.

(Code 1989, § 9-1-8; Res. No. 95-01-10, 1-10-1995; Res. No. 95-02-14, 2-14-1995; Ord. No. 98-06-23, 6-23-1998)

Sec. 6-10. - Qualifications of applicant.

- (a) No license shall be approved by the governing authority for any applicant who has not complied with the application provisions of this article.
- (b) In addition to other application and licensing provisions as set forth in this article, it is the policy of the city that any license for the sale of alcoholic beverages shall be applied for by, and be issued to, an owner who is a full time employee and, if not, then by and jointly to the owner and an agent who is a full time employee responsible for the sale of alcoholic beverages as prescribed in this chapter, on the premises applied for or on other such premises in the county owned by the owner.
 - (1) Where the applicant is a sole proprietor, any license for the sale of alcoholic beverages shall be applied for by, and shall be issued to, the sole proprietor if the sole proprietor is a full time employee and, if not, then by and jointly to the sole proprietor and an agent who is a full time employee responsible for the sale of alcoholic beverages as prescribed in this chapter, on the premises applied for or on other such premises in the county owned by the sole proprietor.
 - (2) Where the applicant is a partnership, any license for the sale of alcoholic beverages shall be applied for by, and shall be issued to, the partnership together with either a majority partner who is a full time employee and, if not, then by and jointly to a majority partner and an agent who is a full time employee responsible for the sale of alcoholic beverages as prescribed in this chapter, on the premises applied for or on other such premises in the county owned by the partnership.
 - (3) Where the applicant is a corporation, whether publicly traded or privately held, any license for the sale of alcoholic beverages shall be applied for by, and shall be issued to, the corporation together with an agent who is a full time employee responsible for the sale of alcoholic beverages as prescribed in this chapter, on the premises applied for or on other such premises in the county owned by the corporation.
 - (4) Where the owner is a private club, any license for the sale of alcoholic beverages shall be applied for by, and shall be issued to, the private club together with an officer of said club who is a full time employee and, if not, then by jointly to the private club together with an agent who is a full time employee responsible for the sale of alcoholic beverages as prescribed in this chapter, on the premises applied for or on other such premises in the county owned by the private club.
- (c) An applicant for an alcoholic beverage license shall make written application to the governing body of the city through the business license officer upon such forms to be prepared and approved by the governing body; provided that an applicant seeking more than one type of license or additional license must submit a separate application for each type of license sought.

The written application upon the prescribed forms shall include each of the following:

- (1) Information on the type of alcoholic beverage license sought.
- (2) Information on the location which will be the site of the license sought, as follows:
 - a. The street address of the premises:
 - b. The names(s), home address(es), and home phone number(s) of the owners(s) of the

premises:

- c. Plans and renderings of the proposed premises, unless the city clerk certifies that such plans and renderings are on file, and the applicant certifies that such plans and renderings are correct;
- d. A certification of zoning from the city certifying that the place of the proposed business is properly zoned therefore; and
- e. A certificate from a registered surveyor showing a scale drawing of the location of the proposed premises and the distance to the nearest school, church, day care center, hospital, nursing home, or residence located within 1,000 feet, by the appropriate method of measurement as defined in section 6-25, Measurement of distances.
- (3) Information on the business at the location of the proposed licensed premises, as follows:
 - a. The name, street address, and phone number of the business.
 - b. A description of the nature and character of the business; and
 - c. A copy of the warranty deed if the business owns the premises; if the business leases the premises, a copy of the lease agreement.
- (4) Information on the applicant, as follows:
 - a. If a sole proprietor, then from the sole proprietor the name, home address, home phone number, date of birth, Social Security number, county of residency and length of residency, country of citizenship, percent of ownership, and a statement of arrests; and, in addition, if no such partner is a full time employee, then the same information is required for an agent who is a full time employee, provided that the person so named must meet all requirements of this article:
 - b. If partnership, then for each partner owning ten percent or more, the name, home address, home phone number, date of birth, Social Security number, county of residency and length of residency, country of citizenship, percent of ownership, and a statement of arrests; and, in addition, if no such partner is a full time employee, then the same information is required for an agent who is a full time employee, provided that the person so named must meet all requirements of this article;
 - c. If the applicant is a publicly traded corporation, then the corporate name, corporate chief executive office, corporate address, and corporate phone number; and in addition if the corporate chief executive officer is not a full time employee, then for an agent who is a full time employee, the name, home address, home phone number. Date of birth, Social Security number, county of residency and length of residency, country of citizenship and a statement of arrests, provide that the person so named must meet all requirements of this chapter;
 - d. If the applicant is a privately held corporation, then the corporate name, corporate chief, executive officer, corporate address, and corporate phone number; and for each person owning ten percent or more, the name, home address, home phone number, date of birth, Social Security number, length of residency in the county, country of citizenship, percent of ownership, and a statement of arrests; and in addition if no such owner is a full time employee, then for an agent who is a full time employee, the name, home address, home

phone number, date of birth, Social Security number, county of residency and length of residency, country of citizenship, and statement of arrests, provided that the person so named must meet all requirements of this chapter; and

- e. If the applicant is a private club, then the private club name, private club chief executive officer, private club address, private club phone number, and as statement of arrests for the chief executive officer; and in addition if the chief executive officer is not a full time employee, then for an agent who is a full time employee, the name, home address, home phone number, date of birth, Social Security number, county of residency and length of residency, country of citizenship, and as statement of arrests, provided that the person so named must meet all requirements of this chapter.
- (5) Reserved.
- (6) The applicant shall furnish such other data, information or records as may be required by the governing body or its authorized officers in order to make a determination whether the applicant or agent meets the requirements of this article.
- (7) The application must be sworn to by the applicant.
- (8) In instances where the ownership of an existing licensed location is the same but the agent has changed, the new agent must apply, and all application provisions of this chapter shall apply, except that only information on the new agent shall be required on an abbreviated form provided through the city clerk or other designated official; provided that, a copy of the most recently approved application shall be attached; and further provided, that a certification must be made by the ownership or legally authorized designee other than the new agent, that all previous information on the most recently approved application remains true and correct to the best knowledge of the applicant.

(Code 1989, § 9-1-9; Res. No. 95-01-10, 1-10-1995; Ord. No. 05-06-27, 7-27-2005)

Sec. 6-11. - Limitations on who can hold licenses.

- (a) No person who has any direct financial interest in a license for the sale of alcoholic beverages at wholesale shall hold any other license or an interest in any other license under the terms of this chapter.
- (b) No person, related within the first degree of consanguinity or affinity under civil law to any wholesale licensee or employee thereof or any person with any interest therein, shall hold any other license or an interest in any other license issued under this chapter.
- (c) No elected or full-time appointed official of the city or any person related within the first degree of consanguinity or affinity under civil law to such an official of the city shall own any interest in any license issued under this chapter unless one of the following conditions is met:
 - (1) The interest was obtained prior to election or appointment to office;
 - (2) The interest is declared in writing at the time the application for the license is made and the elected or full-time appointed official shall not participate in official action or consideration of the license; or
 - (3) The interest obtained in an ongoing business holding a license is declared in writing at the

time of the acquisition and filed with the city clerk.

(Code 1989, § 9-1-10; Res. No. 95-01-10, 1-10-1995)

State law reference— Ascertainable standards required to issue license, O.C.G.A. § 3-3-2.

Sec. 6-12. - Prohibition against issuance to persons with criminal convictions.

- (a) No license under this chapter shall be issued, renewed or transferred to any person, partnership or corporation where any individual having an interest either as owner, partner, stockholder, directly or indirectly, beneficial or absolute, shall have been convicted within ten years immediately prior to the filing of the application of any felony or convicted within five years immediately prior to the filing of the application of any misdemeanor relating to any alcoholic beverage business or any state law, county or municipal ordinance violation relating to any alcoholic beverage business.
- (b) The term "conviction" shall include an adjudication of guilt, a plea of guilty or nolo contenders or the forfeiture of a bond in part or in whole when charged with a crime or the suspension or revocation of any alcoholic beverage license owned in whole or in part by persons listed in subsection (a) of this section.

(Code 1989, § 9-1-11; Res. No. 95-01-10, 1-10-1995)

State law reference— Authority to set standards for issue of license, O.C.G.A. § 3-3-2.

Sec. 6-13. - Residency requirements; registered agent.

- (a) Pursuant to O.C.G.A. § 3-4-23, no retail dealer's license or tax stamps for distilled spirits shall be sold to any person unless an application is filed with the commissioner, accompanied by a certificate by the judge of the probate court of the county of the applicant's residency certifying that the applicant has been a bona fide resident of the State of Georgia for at least three years and at the current place of residency for 12 months immediately preceding the application and reside in a county where distilled spirits may be legally sold under O.C.G.A. title 3, Ch. 4, art. 2 (O.C.G.A. § 3-4-20 et seq.) in the city.
- (b) All applications for alcoholic beverage licenses under this chapter except as otherwise provided for, either the applicant or an individual the applicant designates to act as their agent shall provide proof of residency acceptable to the administrator that they have been a bona fide resident of the State of Georgia for three years and at the current place of residency for 12 months immediately prior to making application for the license. If the applicant designates an agent, that agent shall meet the residency requirements as stated herein above prior to making application and will be designated to be responsible for any matter relating to the license.
- (c) All applications for licenses under this chapter by a corporation shall name in the application one or more persons meeting the residency requirements of subsection (b) above as the registered officer of the corporation and such officer shall be registered with the secretary of state's office. This representative of the corporation shall receive all communications, notices, service or process or other papers or documents, on behalf of the corporation in connection with any matter arising out of or connected with the issuance, holding, suspension, revocation or other action with respect to any city license. The application shall give the mailing address of such registered officer, and the mailing to any registered officer at that address of any notice required to be given under this chapter or any other law shall be sufficient notice to the corporation.
- (d) Such registered officer shall be a representative of the licensee corporation and must be approved

by the administrator. The administrator shall refuse to approve any registered officer who is not a bona fide resident in accordance with subsection (b) above or who has been convicted, within ten years immediately prior to the filing of the application of any felony or convicted within five years immediately prior to the filing of the application of any misdemeanor relating to any alcoholic beverage business or any state law or county or municipal ordinance violation relating to any alcoholic beverage business. As used in this subsection, the term "conviction" shall have the same meaning as in section 6-12

(e) If any registered officer shall cease to be the registered agent of the licensee corporation or shall cease to be a resident as specified in subsection (b) above or in any manner ceases to meet the requirements of subsection (d) of this section, the licensee shall notify the administrator in writing of such event and shall nominate a new registered officer within five days after such event occurs. Such new registered officer shall meet the requirements in subsections (c) and (d) of this section and must be approved by the administrator. The city shall charge a fee of \$100.00 for a change of the corporation's registered officer; however, if the licensee corporation fails to notify the city and nominate a new registered officer within the five-day period, then the city shall charge an additional fee of \$200.00 for a change of the corporation's registered officer and/or revoke the licensee's license. The application process includes the approval by the administrator of a revised application, fingerprinting of the applicant and a criminal history investigation.

(Code 1989, § 9-1-12; Res. No. 95-01-10, 1-10-1995; Ord. No. 05-09-13, 9-13-2005; Ord. of 3-16-2006; Ord. No. 2009-0002, 3-9-2009)

State law reference— Certificate of residence required for retail license to sell distilled spirits, O.C.G.A. § 3-4-23; powers of local governing authority to grant licenses generally, O.C.G.A. § 3-3-2.

Sec. 6-14. - Police investigation; tax record search.

- (a) The administrator shall cause an inquiry to be made into the city tax records to determine if the applicant or other parties with an interest in an application for a license under this chapter has any outstanding taxes or special assessments that are delinquent against his property or any other monies owing to the city. No license shall be issued or renewed until such debts are paid in full.
- (b) As a prerequisite to the issuance of any such permit or license, the applicant shall furnish a complete set of fingerprints to be forwarded to the state bureau of investigation, which shall search the files of the state crime information center for any instance of criminal activity during the two years immediately preceding the date of the application. The state bureau of investigation shall also submit the fingerprints to the Federal Bureau of Investigation under the rules established by the United States Department of Justice for processing and identification of records. The federal record, if any, shall be obtained and returned to the governing authority submitting the fingerprints.
- (c) If the police department determines that the application is not in order, in view of the requirements of federal or state law or this Code and any police department investigation, the police department will issue a detailed report to the administrator regarding the reasons for the denial, and the administrator shall then notify the applicant of the reasons for not forwarding the application to the city council for consideration.
- (d) All applicants shall furnish all reasonable data, information and records requested of them by the administrator or police department and failure to furnish such data, information, contracts, documents, financial statements and other records within 30 days of the request shall automatically serve to dismiss the application.

- (e) The police department shall require in addition to the licensee, fingerprinting and background investigation of any person having a 20 percent financial interest in the application. The police department may require additional information from any sibling of any person with a financial interest, and the nominated registered agent of any corporate applicant. Should the applicant fail to produce such persons within 30 days of the request, the application may be denied.
- (f) Applicants by filing an application agree to produce for oral interrogation any person or persons requested by the police department and considered as being important in the ascertainment of the facts relative to such license. The failure to produce those persons within 30 days after being requested to do so may result in a denial of the application.
- (g) The city may require 45 days for processing any application for a license required under this chapter. For investigative purposes, the chief of police may extend the 45 days' processing period according to the licensee's compliance should the chief deem it necessary.

(Code 1989, § 9-1-13; Res. No. 95-01-10, 1-10-1995)

State law reference— Application investigation, O.C.G.A. § 3-3-2.

Sec. 6-15. - License pending completion of building.

Where a building in which any person intends to operate under the provisions of this chapter is, at the time of the application for the license, not in existence or not yet completed, a conditional license may be issued for the location provided the plans for the proposed building show clearly a compliance with the other provisions of this chapter. No sales or consumption shall be allowed in the establishment until it has been completed in accordance with the plans and is in conformity with all of the other provisions of this Code.

(Code 1989, § 9-1-14; Res. No. 95-01-10, 1-10-1995)

Sec. 6-16. - Time limit on opening business; continuity of business.

- (a) All licensees under this chapter must, within 90 days after the issuance of a city license, open for business. Failure to open for business shall constitute a forfeiture and cancellation of the issued licenses and no refund of license fees or occupational taxes shall be made. Any applicant unable to comply with the time limit of this section may make written request to the administrator for an extension of time not to exceed 90 days; and the administrator at his discretion may grant or deny the request.
- (b) Any license issued under this chapter shall automatically be null and void where the licensed business has not operated or been open to the public for six consecutive months.

(Code 1989, § 9-1-15; Res. No. 95-01-10, 1-10-1995)

Sec. 6-17. - Denial of license application.

- (a) The city council must take action to consider an application for a license required by this chapter within 45 days of the administrator receiving a complete application.
- (b) The city council may deny a city license under this chapter on any of the following grounds:
 - (1) Failure to meet state requirements for state license;
 - (2) Failure to pay required fees and taxes;

- (3) Failure to provide valid information, documents and the like required by this chapter;
- (4) False information in the application or attached documents;
- (5) Improper residency of applicant, owner or registered agent;
- (6) Failure to pass review by the chief of police;
- (7) Failure to post and maintain proper signs and advertisements required in this chapter;
- (8) Failure to meet distance, location exterior surface or building requirements;
- (9) Prior convictions as provided in this chapter; or
- (10) Failure to meet any other requirements in this chapter for a license of the class applied for.
- (c) All decisions denying a license shall be in writing, with the reasons for denial stated and shall be mailed or delivered to the applicant.
- (d) The applicant has 30 days from the date of written notice of the denial of a license application within which to petition for reconsideration by the city council. The applicant will be granted an opportunity to present additional information, evidence and cross examine witnesses before the city council. The city council's decision will be final.
- (e) An application which has been denied shall not be resubmitted for 12 months after the denial unless there is a substantial change therein which would affect the reason for denial originally.

(Code 1989, § 9-1-16; Res. No. 95-01-10, 1-10-1995; Ord. No. 02-05-28, 5-28-2002)

State law reference— Ascertainable standards for denial, written notice of denial and an opportunity for a hearing are required by state law, O.C.G.A. § 3-3-2.

Sec. 6-18. - Additional standards for issuance, transfer of license.

- (a) In the issuance of licenses or the transfer or renewal of licenses required by this chapter, the city council may, in its discretion, issue or deny any application for a license, renewal or transfer of an existing store location based upon the following standards, in addition to standards previously set forth:
 - (1) Where there is evidence that, even though there is compliance with the minimum distance to schools and churches, the type and number of schools or number of churches in the vicinity cause minors to frequent the immediate area.
 - (2) Where there is evidence that the location or type of structure could create difficulty in police supervision.
 - (3) Where there is evidence that there are no licenses granted in the area or where there is evidence that the proposed area already is adequately supplied with such licenses.
 - (4) Where there is evidence that a license for the location would have an adverse effect on the property values in the area.
 - (5) Where there is evidence that the license in that location would be detrimental to traffic conditions or that there is a lack of sufficient parking spaces for automobiles as required in the

zoning ordinance. A licensee shall have sufficient parking on the premises so as to provide parking for his customers and so as to prevent parking on the streets or adjoining property.

- (6) Where there is evidence that the licensee or his spouse is related to any distributor or wholesaler of malt beverages or employees thereof within the first degree of consanguinity or affinity as computed according to the civil law so that there might be special concessions granted the licensee to give him a competitive advantage over others not similarly privileged.
- (7) For retail package license applicants, where there is evidence that the licensee applicant or his spouse is related in the first degree described therein to other licensees of malt beverages or wine in the city.
- (8) Where there is evidence that alcoholic beverages have been sold by the applicant or at the establishment to intoxicated persons or to a minor.
- (9) Where there is evidence that the conducting of the business creates a disturbance, congregation of intoxicated persons, congregation of minors, allows minors to purchase, drink or possess alcoholic beverages on the premises, or causes the police to answer complaints or provide extra surveillance of the premises. More than three minors without the supervision of a parent or under supervision of an adult authorized by a parent shall be prima facie evidence of a congregation of minors.
- (b) In addition to subsection (a) of this section and in determining whether or not any license applied for shall be granted, the following shall be considered in the public interest and welfare:
 - (1) If the applicant is a previous holder of a license, the manner in which he conducted the business thereunder as to the necessity for unusual police observation and inspection in order to prevent the violation of any law, regulation or ordinance relating to such business.
 - (2) The location for which the license is sought as to traffic congestion, general character of the neighborhood and the effect such an establishment would have on the adjacent and surrounding property values.
 - (3) The number of licenses already granted for similar businesses in the trading area of the place for which the license is sought.
 - (4) If applicant's spouse shall not be able to meet the qualifications of an applicant, particularly if it appears that the applicant's spouse or another person is using the applicant as a guise or dummy to obtain a license.
- (c) The applicant has 30 days from the date of written notice of the denial of a license application within which to petition for reconsideration by the city council. The applicant will be granted an opportunity to present additional information, evidence and cross examine witnesses before the city council. The city council's decision will be final.

(Code 1989, § 9-1-17; Res. No. 95-01-10, 1-10-1995)

Sec. 6-19. - Inspections.

Any establishment holding a license issued under this chapter shall at all times, during the period allowable by law for operation of the business, be open to inspection by any officer of the police department or any license inspector of the city or to any person designated by the chief of police or the

city manager. In addition, if the premises are being used after hours by employees or the owners or their agents, the premises may be inspected at this time by the designated persons in this section.

(Code 1989, § 9-1-18; Res. No. 95-01-10, 1-10-1995; Res. No. 95-02-14, 2-14-1995)

Sec. 6-20. - Open containers prohibited.

- (a) No bottle or other container of alcoholic beverages shall be opened or consumed by any person on the premises, upon which the place of business is conducted and licensed under this chapter, whether the bottle or other container so opened or consumed was bought or obtained at that place of business or elsewhere unless the premises is licensed for consumption on the premises under this chapter.
- (b) No establishment licensed under this chapter to sell alcoholic beverages shall allow a person to leave those premises with alcoholic beverages in an open cup, bottle, can or other open container.
- (c) The provisions of this section shall not apply to city-sanctioned events.

(Code 1989, § 9-1-19; Res. No. 95-01-10, 1-10-1995; Res. No. 95-02-14, 2-14-1995)

Sec. 6-21. - Hours and days of operation.

- (a) Distilled spirits package sales. Licensees under this chapter or persons employed by a licensee shall be authorized to sell, offer for sale, transfer or offer to transfer to others any packaged distilled spirits on Sunday only between the hours of 12:30 p.m. and 11:30 p.m.; and only between the hours of 6:00 a.m. and 11:45 p.m. on Monday through Saturday. No person shall purchase, receive, or offer to receive from a licensee or person employed by a licensee any packaged distilled spirits except between the hours provided in this paragraph.
- (b) Sales by consumption on premises licensees. No licensee under this chapter or person employed by a licensee shall sell, offer for sale, transfer or offer to transfer to others any distilled spirits, malt beverages and/or wine for consumption on the premises between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on Monday morning without a Sunday sales permit and between the hours of 2:00 a.m. and 6:00 a.m. on the other days of the week; and it shall be unlawful for any person to purchase, receive or offer to receive from a licensee or person employed by a licensee any distilled spirits, malt beverages and/or wine for consumption on the premises between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday morning without a Sunday sales permit and between the hours of 2:00 a.m. and 6:00 a.m. on the other days of the week. Notwithstanding the foregoing, on years where December 31 falls on a Sunday, sales for consumption on the premises shall be allowed on Mondays from 12:00 a.m. on December 31 until 2:00 a.m. on January 1.
- (c) Malt beverages and wine package sales. No licensee under this chapter or person employed by a licensee shall sell, offer for sale, transfer or offer to transfer to others any packaged malt beverages or wine between the hours of 12:00 midnight on Saturday night and 12:30 p.m. on Sunday and between the hours of 11:30 p.m. on Sunday night and 6:00 a.m. on the following Monday morning and between the hours of 2:00 a.m. and 6:00 a.m. on the other days of the week; and no person shall purchase, receive or offer to receive from a licensee or person employed by a licensee any malt beverages or wine between the hours of 12:00 midnight on a Saturday night and 12:30 p.m. on Sunday and between the hours of 11:30 p.m. on Sunday night and 6:00 a.m. on the following Monday morning and between the hours of 2:00 a.m. and 6:00 a.m. on the other days of the week.

- (d) Sales on election days. Pursuant to O.C.G.A. § 3-3-20(b), the sale by wholesale and retail of alcoholic beverages (distilled spirits, wine and malt beverages), shall be lawful during the polling hours of any election; however, nothing in this subsection shall authorize the sale of alcoholic beverages within 250 feet of a polling place during such time as the polls are open.
- (e) *Sunday sales.* A Sunday sales permit is required for the sale of alcoholic beverages on Sundays, except for retail package sales. The following conditions are applicable to such sales:
 - (1) The establishment holds a valid city alcoholic beverage pouring license.
 - (2) Alcoholic beverages may be sold and served for consumption on the premises on Sundays from 12:30 p.m. until 12:00 midnight in any licensed establishment which derives at least 50 percent of its total gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served, and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging.
 - (3) Applicants for Sunday sales permits shall complete an application form furnished by the city administrator, supplying such information as may be requested. Prior to issuance of the permit, the applicant must make available records for determining whether the applicant meets the requirements of subsection (e)(2) of this section. The permit may be denied or revoked for failure to conform or failure to produce satisfactory evidence of conforming as referenced in section 6-106
 - (4) Annual Sunday sales permit renewals shall be made in the same manner and during the same time periods as other alcoholic beverage license renewals. All holders and applicants of an alcoholic beverage license and Sunday sales license must make available records for audit purposes upon the request of the city administrator or his agent. The books, records, inventory, stock and facilities of any alcoholic beverage holder or applicant shall be open for inspection at any time by a city license inspector and agents of the city police department.
 - (5) Sunday sales permits are not transferable.
 - (6) The fee for issuance of the Sunday sales permit may be established and/or changed from time to time by the city council, and a schedule of fees shall be available in the city clerk's office.
 - (7) The Sunday sales permit shall be subject to the revocation procedures of section 6-4, and shall be automatically revoked if the alcoholic beverage license is revoked.
 - (8) When any application for a Sunday sales permit has been denied for a location, no application for a Sunday sales permit may be made for the same location for a period of 12 months from the date of filing of the application which was denied.

(Code 1989, § 9-1-20; Res. No. 95-01-10, 1-10-1995; Res. No. 95-02-14, 2-14-1995; Ord. of 12-19-2006; Ord. of 11-14-2011)

State law reference— Regulation of sale on Sunday, O.C.G.A. § 3-3-7; sale on Sunday, Christmas, election day, O.C.G.A. § 3-3-20.

Sec. 6-22. - Places where drinking prohibited during certain hours.

(a) No person, firm or corporation owning or operating a place of business licensed under this chapter

shall permit any person to drink any distilled spirits, wine, beer or other alcoholic beverage upon the business premises between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday morning and between the hours of 2:00 a.m. and 6:00 a.m. on the other days of the week.

- (b) No person shall drink any distilled spirits, wine, beer or other alcoholic beverage while upon the streets, sidewalks, parks or public places of the city, upon or within any vehicle upon the premises or in any adjacent parking area of any business establishment holding a license under this chapter.
- (c) Notwithstanding the forgoing, the mayor and council may permit, with respect to special city sanctioned events, the consumption of distilled spirits, wine, beer or other alcoholic beverage while upon the streets, sidewalks, parks or public places of the city, upon a vote of the city council approving such action for such event.

(Code 1989, § 9-1-21; Res. No. 95-01-10, 1-10-1995; Res. No. 95-02-14, 2-14-1995; Ord. No. 1547, Att. A, 5-9-2011)

State law reference— Regulation of hours of sale, O.C.G.A. §§ 3-3-7, 3-3-20.

Sec. 6-23. - Drive-in, curb service prohibited.

- (a) Curb service by retail or consumption on the premises licensees under this chapter or delivery of any alcoholic beverages off the licensed premises, other than by wholesalers licensed under this chapter or by the state, is prohibited.
- (b) Drive-in service windows at premises licensed under this chapter are prohibited.

(Code 1989, § 9-1-22; Res. No. 95-01-10, 1-10-1995)

Sec. 6-24. - Offenses involving minors.

- (a) No person under 21 years of age shall buy or allow to be bought for him any alcoholic beverage from any place where these beverages are kept.
- (b) No person in charge of, or employed in, any place of business where alcoholic beverages are kept, shall permit any person under 21 years of age to buy or allow to be bought for any person under 21 years of age any alcoholic beverages in or from the place of business or to frequent or loiter about the premises unless accompanied by a parent or legal guardian.
- (c) No person shall furnish or serve any person under 21 years of age with any alcoholic beverage. A valid driver's license may be reasonably accepted by the person hereunder as sufficient evidence of age.
- (d) No person under 21 years of age shall falsely represent his age, in any manner whatever, for the purpose of illegally obtaining any alcoholic beverages.
- (e) No person shall allow or require a person in his employment under 18 years of age to dispense, serve, sell or take orders for any alcoholic beverage. However, the provisions of this section shall not prohibit persons under 18 years of age who are employed in supermarkets, convenience stores or drugstores from selling or handling alcoholic beverages which are sold for consumption off the premises.
- (f) No person who is under 21 years of age shall have in his possession, or under his control, at any

place whatever in the city, any alcoholic beverage.

(g) Violation of any provision of this section shall constitute an offense under this chapter and shall be punishable in the municipal court; provided, violation of this section by persons who have not yet reached the age of 17 shall be handled as provided by the juvenile court code of the state.

(Code 1989, § 9-1-23; Res. No. 95-01-10, 1-10-1995)

State law reference— Furnishing to, purchase of or possession by person under 21 years of age of alcoholic beverages, O.C.G.A. § 3-3-23; dispensing, selling by person under 18 years of age, O.C.G.A. § 3-3-24.

Sec. 6-25. - Measurement of distances.

- (a) Unless otherwise provided by law, all measurements, to determine distances, required by this chapter, for the issuance of city beverage licenses, shall be measured in lineal feet by the most direct route of travel as follows:
 - (1) Consumption on premises restaurant; shall be measured from any door of customer entry of the proposed premises of a license by the shortest route along a public thoroughfare (street, alley or sidewalk); as the traffic or pedestrian flows; to the nearest door of entry of any school, church, college or day care. Includes central business district (CBD).
 - (2) All other; shall be measured from any door of customer entry of the proposed premises of a license by the shortest route along a public thoroughfare (street, alley or sidewalk); as the traffic or pedestrian flows; to the property line of the tract on which is located the school ground, church, college campus or day care.
- (b) The table below lists the distance in feet which various types of alcoholic beverage sales establishments must meet from an existing regulated land use.

Distance of Type Beverage Sales From Existing Land Use In Feet	Church	School College	Day Care Center
Consumption on pre	mises		
Restaurant	300	300*	300*
Consumption on pre	mises		
Bar or lounge	300	300*	300*
Liquor/package	300	300*	300*
store			
Convenience store beer and	300	300	300
wine			
Major grocery	300	300	300
store beer and			
wine			
Central business dis			
Consumption on pre	mises		
Restaurant bar or	185	300*	300*
tavern			

* 600 if distilled spirits is sold.

(Code 1989, § 9-1-24; Ord. No. 00-04-11, 4-11-2000; Ord. No. 05-09-13, § 9-13-2005; Ord. of 5-3-2006)

State law reference— Sales of alcoholic beverages near churches, school buildings or other sites, O.C.G.A. § 3-3-21.

Sec. 6-26. - Existing licensed business; compliance.

- (a) To prevent an unconstitutional taking of property, all licensees for alcoholic beverages within the city in compliance with city ordinance requirements involving residency, distance, location, parking and type of building structure in effect at the time of first receiving the license and continuing to be in compliance therewith shall be exempt from the requirements of this chapter involving residency, distance, location, parking and type of building structure. Renewals of such licenses shall also be deemed in compliance under this section to the extent provided in this subsection.
- (b) Transfers of business ownership at the same location shall be deemed in compliance under this section with regard to the city Code requirements involving distance, location, parking and type of building structure, provided that such business complied with such requirements at the time a license was first issued for such business and further provided that such business has continuously been in compliance with such requirements. These transfers may be approved by the administrator, provided the transferee meets all of the license requirements for a new license.
- (c) Business transfers to new locations and new licenses must comply with all requirements of this chapter and must be approved by the city council.

(Code 1989, § 9-1-25; Res. No. 95-01-10, 1-10-1995)

Secs. 6-27—6-60. - Reserved.

ARTICLE II. - ALCOHOLIC BEVERAGE TAX AND REGULATION [10]

(10) Cross reference— Taxation, ch. 86.

DIVISION 1. - GENERALLY

DIVISION 2. - DISTILLED SPIRITS

DIVISION 3. - ON-PREMISES CONSUMPTION

DIVISION 4. - ALCOHOLIC BEVERAGE EXCISE TAXES

DIVISION 1. - GENERALLY

Secs. 6-61—6-80. - Reserved.

Secs. 6-61—6-80. - Reserved.

DIVISION 2. - DISTILLED SPIRITS

Sec. 6-81. - Additional application, fee, residency requirements.

Sec. 6-82. - Limitation on number of licenses to be granted to applicant, family corporation.

Sec. 6-83. - Restrictions on sale of other merchandise.

Secs. 6-84—6-100. - Reserved.

Sec. 6-81. - Additional application, fee, residency requirements.

- (a) In addition to the license application requirements of this chapter in article I, a processing fee of \$500.00, in addition to other fees and taxes required in this chapter, shall be deposited with the application to cover the expense of investigation and processing of the application and the fee shall be nonrefundable.
- (b) In addition, the residency requirements of section 6-13 shall be extended, for the purposes of this section, to include residency within the State of Georgia for three years preceding the date of application.

(Code 1989, § 9-1-41; Res. No. 95-01-10, 1-10-1995; Ord. No. 99-03-23, 3-23-1999; Ord. No. 05-09-13, § 9-13-2005; Ord. of 3-16-2006)

State law reference— Power of local governing authorities, O.C.G.A. § 3-3-2; certificate of residency required, O.C.G.A. § 3-4-23.

Sec. 6-82. - Limitation on number of licenses to be granted to applicant, family corporation.

- (a) No application for a license to sell distilled spirits at retail shall be granted where the person applying for the license or any person who would have an interest therein or members of such person's family or any corporation in which the person owns an interest already holds any interest in two or more licenses to sell distilled spirits by the package at retail within the state. The term "family," as used in this section, shall mean any spouse, brother, sister, child or parent of the applicant or any other person who would have an interest in the license under this division.
- (b) As used in this section, an interest in a license shall be deemed to exist if the person involved is the outright owner of the license; a co-owner of the license; a partner in a partnership which owns all or any part of a license; or a stockholder in any corporation organized for pecuniary gain which owns all or any part of a license. Notwithstanding any of the other provisions of this section, no one person shall be deemed to have more than one interest in any one license.
- (c) All applications for a license under this division, both original and renewal, must be accompanied by a full and complete statement under oath of information relative to any and all interest in retail liquor stores. This shall include the names and addresses of all persons interested in the ownership of the

business of selling at retail package liquor, together with any interest each person or any member of his family has in any other retail liquor store and any other similar information called for by the police department or administrator.

(Code 1989, § 9-1-42; Res. No. 95-01-10, 1-10-1995)

Cross reference— Other limitations against a related interest holding a license, section 6-11; similar provision for retail package dealers in malt beverages and wine, section 6-18(a)(7).

State law reference— Power of local governing authority to regulate license, O.C.G.A. § 3-3-2; prohibition of holding interest in more than two retail dealer's licenses, O.C.G.A. § 3-4-21.

Sec. 6-83. - Restrictions on sale of other merchandise.

A licensee of a retail establishment under this division shall not operate the business in connection with any other mercantile establishment; provided, this shall not prohibit a licensee from operating in the same building complex with other businesses. No retailer under this division shall sell, offer for sale, display or keep in stock at his place of business where packaged distilled spirits are offered for sale any other commodity except the following, all of which may be sold by the retailer at his option:

- (1) Beverages containing no alcohol and commonly used to dilute distilled spirits;
- (2) Wines and malt beverages, when properly licensed;
- (3) Glasses, stirring sticks and similar paraphernalia commonly used in the consumption of alcoholic beverages;
- (4) Tobacco products; and
- (5) Packaged ice.

(Code 1989, § 9-1-43; Res. No. 95-01-10, 1-10-1995)

State law reference— Authority of local government to regulate sale, O.C.G.A. § 3-3-2.

Secs. 6-84—6-100. - Reserved.

DIVISION 3. - ON-PREMISES CONSUMPTION

Sec. 6-101. - Additional application, fee, structure requirements.

Sec. 6-102. - Manager's permit.

Sec. 6-103. - Happy hour promotions.

Sec. 6-104. - Servers limited to employees.

Sec. 6-105. - Lewd dancing prohibited.

Sec. 6-106. - Reserved.

Sec. 6-107. - Reserved.

Sec. 6-108. - Premises.

Secs. 6-109—6-119. - Reserved.

Sec; 6-120. - Ancillary tastings permitted.

Sec. 6-121. - Tasting limitations.

Sec. 6-122. - Serving limitations.

Sec. 6-123. - Additional fee required. Secs. 6-124—6-130. - Reserved

Sec. 6-101. - Additional application, fee, structure requirements.

In addition to the application and license requirements of this chapter in article I, the following shall be required for licenses under this division:

- (1) Upon filing of the application, the city shall require the applicant to deposit a processing fee of \$500.00 to cover the expense of investigation and processing of the application and that fee is not refundable.
- (2) Reserved.
- (3) The dining area or service area of any business licensed under this division must be a minimum of 1,000 square feet.

(Code 1989, § 9-1-62; Res. No. 95-01-10, 1-10-1995; Ord. No. 05-09-13, § 9-13-2005; Ord. No. 1547, Att. A, 5-9-2011)

State law reference— Local government authority to regulate, O.C.G.A. § 3-3-2; authority to adopt rules for issuance of license, O.C.G.A. § 3-4-110.

Sec. 6-102. - Manager's permit.

- (a) Every person licensed under this chapter for the retail sale of distilled spirits, malt beverages or wine for consumption on the premises shall employ one or more persons as manager for the licensed establishment. At least one manager shall be at the licensee's premises during all times that alcoholic beverages are being consumed thereon, and such manager shall be in charge of the premises and responsible for the actions of the employees and customers of the licensed establishment. Each such manager shall obtain a manager's permit as provided in this section, and this permit shall be valid for a period of 12 months from the date of issuance.
- (b) Each person wishing to obtain a manager's permit must make application on a form provided by the police department within three days of the date of employment. Such application shall include proof of residency as required in article I, subsection 6-13(a) and (b) of this chapter. Upon receiving the completed application, the police department shall arrange to have the applicant photographed and fingerprinted and to place these records on file in the police department. The police department shall be authorized to issue a manager's permit after verifying the facts in the application.
- (c) Licensees and managers under this section shall keep a copy of the permit on file at all times in the establishment and shall make these permits available for inspection during operating hours.
- (d) Any person who has been convicted of a violation of any law or ordinance governing the sale of alcoholic beverages or sale or possession of illegal drugs in the past five years shall be ineligible to receive a manager's permit.
- (e) If any manager of the licensee shall cease to be an employee of the licensee or shall cease to be a resident as required in subsection (b) above or in any manner ceases to meet the requirements of this section, the manager's permit shall be deemed null and void.

(Code 1989, § 9-1-63; Res. No. 95-01-10, 1-10-1995; Ord. No. 05-09-13, § 9-13-2005; Ord. of

3-16-2006; Ord. No. 2009-0002, 3-9-2009)

State law reference— Authority to regulate licensee, O.C.G.A. § 3-3-2; authority to adopt rules governing license to sell distilled spirits, O.C.G.A. § 3-4-110.

Sec. 6-103. - Happy hour promotions.

- (a) All on-premises licensees are prohibited from selling or giving away alcoholic beverages under the following circumstances:
 - (1) Serving multiple drinks for a single price or offering all you can drink for a set price during a set time.
 - (2) Making a single price the basis for a required purchase of two or more servings.
 - (3) Serving alcoholic beverages by the pitcher, except to two or more persons at any one time.
 - (4) Offering free drinks or reduced-price drinks to any segment of the population for any period of time as an inducement to patronize the premises.
 - (5) Selling alcoholic beverages for less than half the normal retail price, or selling alcoholic beverages in pitchers or in jumbo sizes for less than the normal retail price. Nothing contained in this subsection shall be construed to prohibit the dispensing of drinks in pitchers or in jumbo sizes, provided that such pitchers or jumbo sizes shall be available at all times that the licensee is open for business and the usual, customary or established retail price for such drinks shall not be reduced.
 - (6) Using coupons or other special promotional items as an inducement to purchase alcoholic beverages.
 - (7) Sponsoring, conducting or allowing contests or other promotions which have as their primary purpose increasing the consumption of alcoholic beverages.
 - (8) Offering or delivering any free alcoholic beverage to the general public.
 - (9) Offering alcoholic beverages under any special pricing or promotion of any nature whatsoever after 7:00 p.m.
- (b) This section shall not apply to private functions not open to the public. The term "private function not open to the public" shall mean any function wherein the licensee has agreed to the use of the licensee's establishment by a person, firm or organization for a set period of time for valuable consideration.

(Code 1989, § 9-1-64; Res. No. 95-01-10, 1-10-1995)

State law reference— Authority to regulate sale, O.C.G.A. § 3-3-2.

Sec. 6-104. - Servers limited to employees.

Drinks shall be served only by employees of the establishments licensed for on-premises consumption.

(Code 1989, § 9-1-65; Res. No. 95-01-10, 1-10-1995)

Sec. 6-105. - Lewd dancing prohibited.

No licensee under this division shall permit professional belly dancers, strip dancing, exotic dancing or any exhibitions of any like kind by whatever name called in connection with the operation of a restaurant, lounge or private club.

(Code 1989, § 9-1-66; Res. No. 95-01-10, 1-10-1995)

State law reference— Prohibited conduct on licensed premises, O.C.G.A. § 3-3-40 et seq..

Sec. 6-106. - Reserved.

Editor's note— Ord. No. 1547, Att. A, adopted May 9, 2011, deleted § 6-106 which pertained to on-premises consumption only allowed in central business district and derived from Code 1989, § 9-1-67; Res. No. 95-01-10, adopted Jan. 10, 1995; and Ord. No. 05-09-13, adopted Sept. 13, 2005.

Sec. 6-107. - Reserved.

Editor's note— Ord. No. 012-2007, adopted July 9, 2007, deleted § 6-107 in its entirety. Former § 6-107 pertained to dangerous weapons prohibited and derived from Code 1989, § 9-1-68, and Res. No. 05-01-10, adopted Jan. 10, 1995.

Sec. 6-108. - Premises.

Premises means the definite closed or partitioned-in locality, whether room, shop, or building wherein alcoholic beverages are sold, and may include an attached patio or deck when:

- (1) It is separated from the general public by a permanent wall, fence, hedge or similar approved device:
- (2) The location of the patio or deck does not encroach upon any public sidewalk, right-of-way, or other common area customarily used for ingress, egress, pedestrian or vehicular traffic;
- (3) The location and plan shall first have been approved by the community development director, fire marshal, and building official.

(Ord. No. 05-06027, 6-27-2005; Ord. No. 2009-0004, 5-18-2009)

Secs. 6-109—6-119. - Reserved.

Sec; 6-120. - Ancillary tastings permitted.

The holder of a retail sales license, other than for distilled spirits, shall be eligible for an ancillary tasting license to provide samples of malt beverages and/or wine offered for sale to customers under the conditions set forth in this ordinance. No location where distilled spirits are sold shall be eligible for an ancillary tasting license.

(Ord. No. 2009-0002, 3-9-2009)

Sec. 6-121. - Tasting limitations.

(a) Tastings shall be limited to malt beverages and wines only. Tastings shall be on limited occasions either when a customer requests a sample of a malt beverage or wine offered for sale within the premises or in conjunction with sampling designed to promote malt beverage or wine appreciation and education.

(b) Tastings of malt beverages or wine shall be limited to one consecutive two-hour period in any one day. Tastings shall not exceed two ounces, and no person shall consume more than eight ounces in any one day on the premises.

(Ord. No. 2009-0002, 3-9-2009)

Sec. 6-122. - Serving limitations.

- (a) Malt beverages and/or wine products used in conjunction with tasting shall be opened and poured by the licensee or a person who has obtained a manager's permit as specified in section 6-102
- (b) No open containers of malt beverages and/or wine shall be removed from the licensed premises.
- (c) Tastings are permitted on the licensed premises only as specified in section 6-108
- (d) Holders of an ancillary tasting license shall not charge for tastings, but may accept donations for a charitable organization of their choice.

(Ord. No. 2009-0002, 3-9-2009)

Sec. 6-123. - Additional fee required.

The annual fee for an ancillary tasting license shall be published in the adopted fee schedule for the City of Woodstock.

(Ord. No. 2009-0002, 3-9-2009)

Secs. 6-124-6-130. - Reserved

DIVISION 4. - ALCOHOLIC BEVERAGE EXCISE TAXES [11]

(11) Cross reference— Taxation, ch. 86.

Sec. 6-131. - Penalties and revocation.

Sec. 6-132. - Malt beverages.

Sec. 6-133. - Wine.

Sec. 6-134. - Distilled spirits—Retail package.

Sec. 6-135. - Same—Consumption.

Sec. 6-136. - Payment of tax; records and reports; penalty.

Sec. 6-137. - Distilled spirits by the drink.

Sec. 6-138. - Requirements of wholesalers generally.

Sec. 6-139. - Failure to collect taxes at delivery; failure to report or remit.

Sec. 6-140. - Unpaid taxes, sales are violation.

Sec. 6-141. - Suspension, revocation or prohibition of retailer's license.

Sec. 6-131. - Penalties and revocation.

(a) Any licensee who fails to pay the taxes imposed in this division by the city, or fails to pay any

amount of such tax required to be collected and paid to the city, within the time required shall pay a penalty of ten percent per month of the tax or amount of the tax, in addition to the tax or amount of the tax, plus interest on the unpaid tax or any portion thereof.

(b) The amount of the determination, exclusive of penalties, shall bear interest at a rate of one percent per month. Interest shall be assessed for each month, or fraction thereof, from the day of the month that the amount or any portion thereof should have been paid until the date of payment.

(Code 1989, § 3-4-11; Res. No. 93-10-11, 10-11-1993)

Sec. 6-132. - Malt beverages.

There is levied an excise tax on the sale of malt beverages within the city as follows:

- (1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container sold containing not more than 15½ gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons; and
- (2) Where malt beverages are sold in bottles, cans or other containers, except barrel or bulk containers, a tax of \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.

(Code 1989, § 3-4-1; Ord. No. 88-02-29, 2-29-1988)

Charter reference— Excise taxes, § 6.14.

State law reference— Local excise tax on malt beverages, O.C.G.A. § 3-5-80.

Sec. 6-133. - Wine.

There is levied an excise tax on the sale or use of wine by the package an excise tax of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.

(Code 1989, § 3-4-2; Ord. No. 88-02-29, 2-29-1988; Ord. No. 01-08-28, 8-28-2001)

Charter reference— Excise taxes, § 6.14.

State law reference— Local excise tax on wine, O.C.G.A. § 3-6-60.

Sec. 6-134. - Distilled spirits—Retail package.

There is levied an excise tax on the sale of distilled spirits by the package, excluding the sale of fermented beverages, of \$0.22 per liter and a proportionate tax upon any fractional part thereof.

(Code 1989, § 3-4-3; Ord. No. 88-02-29, 2-29-1988; Ord. No. 01-08-28, 8-28-2001)

Charter reference— Excise taxes, § 6.14.

State law reference— Local excise tax on distilled spirits by the package, O.C.G.A. § 3-4-80.

Sec. 6-135. - Same—Consumption.

There is levied an excise tax on the sale of distilled spirits by the drink in the amount of three percent of the charge to the public for the beverage. This tax does not apply to the sale of fermented beverages.

(Code 1989, § 3-4-4; Ord. No. 88-02-29, 2-29-1988)

Charter reference— Excise taxes, § 6.14.

State law reference— Authority to impose excise tax on distilled spirits by the drink, O.C.G.A. § 3-4-130.

Sec. 6-136. - Payment of tax; records and reports; penalty.

- (a) All taxes, except those levied in section 6-135, shall be imposed on the wholesale dealer, computable and payable monthly. Each wholesale dealer or distributor selling, shipping or delivering alcoholic beverages to any retail dealer in the incorporated areas of the city, whether delivered to the dealer's place of business for resale, shall, as a condition to the privilege of carrying on such business in the city:
 - (1) Keep true and correct records of all sales, shipments and deliveries of such alcoholic beverages to each retail dealer; and such records shall be preserved for a period of one year and shall be made available on request for inspection by any duly authorized representative of the city.
 - (2) Collect from each retail dealer at the time of delivery of the alcoholic beverages the amount of tax due under the terms of this division and hold the same in trust for the city until such amount is remitted to the city as next provided.
 - (3) On or before the 20th of each calendar month make a verified and comprehensive report to the city clerk which shall correctly show all sales and deliveries of alcoholic beverages made to or for retail dealers in the city for the month immediately preceding the report. The report shall show the name and address of each retail dealer, the quantities delivered to each retail dealer, the amount collected under the terms of this chapter, including copies of all sales invoices to each retail dealer, and such other information as may be called for by the city council. The report shall be accompanied by remittance to the city clerk of all taxes collected or due as shown on the report.
- (b) Failure of the wholesale dealer or distributor to remit the taxes required in this division will result in a penalty of ten percent of the tax due in addition to the tax due.

(Code 1989, § 3-4-5; Ord. No. 88-02-29, 2-29-1988)

State law reference— Maintenance of records, O.C.G.A. § 3-3-6; unlawful distribution, sale, penalties, O.C.G.A. § 3-3-27.

Sec. 6-137. - Distilled spirits by the drink.

- (a) The tax imposed on retail consumption dealers by section 6-135 shall be payable as provided in this section.
- (b) Every licensee shall, at the time of collecting for food and drinks served, give to the purchaser a receipt on which the price of alcoholic beverages served shall be itemized separately. Where the charges for food and drink are satisfied by credit or deferred payment, the payment of the tax to the licensee may be deferred in a like manner; however, the licensee shall be liable therefore at the time and to the extent that such credits are incurred.
- (c) Every licensee or its agent is authorized and directed to collect the tax imposed in this division from purchasers of alcoholic beverages by the drink sold within its licensed premises. Such licensee or agent shall furnish such information as may be requested by the city manager to facilitate the collection

of this tax.

- (d) All taxes collected by any licensee or agent under this division shall be due and payable to the city on or before the 20th day of every month next succeeding each respective calendar month, as set forth in this division.
- (e) On or before the 20th day of the month, a return for the preceding calendar month shall be filed with the city clerk in such form as the city clerk may prescribe by every licensee liable for the payment of tax under this division.
- (f) All returns shall show the gross receipts from the sale of alcoholic beverages by the drink, amount of tax collected or authorized due for the related period, and such other information as may be required by the city clerk.

(Code 1989, § 3-4-6)

State law reference— Imposition of municipal tax, O.C.G.A. § 3-4-130.

Sec. 6-138. - Requirements of wholesalers generally.

All wholesalers shall comply with this chapter before they can sell or deliver any alcoholic beverages to any establishment in the city. Deliveries shall be made in a conveyance owned and operated by a wholesaler licensed as set out in this division, and shall be subject to inspection by duly authorized authorities of the city at all times when deliveries are made.

(Code 1989, § 3-4-7; Ord. No. 88-02-29, 2-29-1988)

Sec. 6-139. - Failure to collect taxes at delivery; failure to report or remit.

- (a) It shall be unlawful for any wholesale dealer or distributor, person, firm or corporation to deliver any alcoholic beverages to any retail dealer within the incorporated areas of the city without collecting the taxes provided for in this division at the time of delivery.
- (b) If any wholesale dealer or distributor fails or refuses to make the reports provided for in this division, the city council shall notify the party in writing, and if the reports are not made and the taxes remitted within five days from the date of the notice, the council may withdraw from the wholesale dealer or distributor the privilege of doing business in the city by notifying the state revenue commissioner of the failure and by notifying the retail dealer that further acceptance of deliveries from the wholesaler, until the taxes are paid, may subject the retail dealer to penalty for violation of section 6-140

(Code 1989, § 3-4-8)

Sec. 6-140. - Unpaid taxes, sales are violation.

It shall be a violation of this chapter for any person, firm or corporation to sell at retail within the incorporated areas of the city any alcoholic beverages on which the taxes provided for in this division have not been paid.

(Code 1989, § 3-4-9; Ord. No. 88-02-29, 2-29-1988)

Sec. 6-141. - Suspension, revocation or prohibition of retailer's license.

A violation of this division or other sections of this chapter shall authorize the city council to suspend, revoke or place on probation, with or without conditions, the license of any retail party or holder in accordance with the procedures and standards set forth in section 6-4.

(Code 1989, § 3-4-10; Ord. No. 88-02-29, 2-29-1988; Res. No. 92-03-23, 3-23-1992)